



MP/T2.PAU.04.CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
Labeeb K. Ismail, et al.) TC/Art Unit: 2611
)
Application No.: 09/652,478)
) Examiner: Bui, Kieu Oanh T.
Filed: August 31, 2000)
)
For Letters Patent on:)
METHOD AND APPARATUS FOR) Irvine, California 92612
DELIVERY OF TARGETED VIDEO)
PROGRAMMING)

INFORMATION DISCLOSURE STATEMENT

(SUBMISSION CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 18, 2006

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. **COPIES** (check at least one box)

- a. ☒ Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications; (iii) each cited pending unpublished U.S. application, the application specification including the claims, and any drawings of the application, or that portion of the application which caused it to be listed including any claims directed to

that portion; and (iv) all other information or that portion which caused it to be listed.

- b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☒ DOCUMENTS IN THE ENGLISH LANGUAGE

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

- b. ☐ DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

- c. ☒ ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

- d. ☐ OTHER

The following additional information is provided for the Examiner's consideration.

FEES

- IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)
- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☒ concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)
- before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).
- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

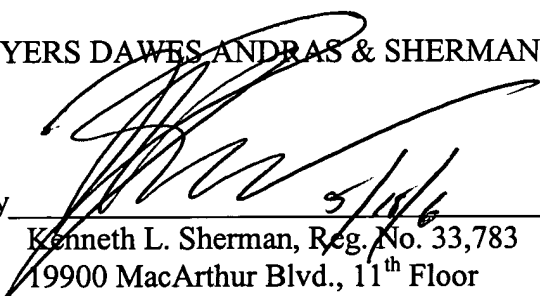
- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 01-1960 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 01-1960.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 01-1960 for any additional fees required in connection with this filing. A duplicate copy of this page is enclosed for this purpose.

Respectfully submitted,

MYERS DAWES ANDRAS & SHERMAN, LLP

By  5/18/06
Kenneth L. Sherman, Reg. No. 33,783
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
(949) 223-9600
Customer No. 23386

Attachment(s): ☒ PTO-1449
☒ Documents – 7 foreign patents, 15 articles
☒ Foreign Search Report
☐ Fee
☒ Other: Return Receipt Postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: MS RCE Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on May 18, 2006.

Sarah A. Nielsen
(Name of person mailing paper)


(Signature of person mailing paper)

Form PTO-1449

ATTY DOCKET NO.

MET2.PAU.04.CIP

APPLICATION NO.

09/652,478

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

APPLICANT

Labeeb K. ISMAIL et al.

FILING DATE

August 31, 2000

GROUP

2623

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	5,371,551	A	12/1994	Logan et al.	386	112	
	5,483,278	A	1/1996	Strubbe et al.	725	61	
	5,635,989	A	6/1997	Rothmuller	348	906	
	5,699,473	A	12/1997	Kim	386	109	
	5,701,383	A	12/1997	Russo et al.	360	63	
	5,754,651	A	5/1998	Blatter et al.	380	241	
	5,758,259	A	5/1998	Lawler	725	45	
	5,761,371	A	6/1998	Ohno et al.	386	46	
	5,867,226	A	2/1999	Wehmeyer et al.	348	906	
	5,898,456	A	4/1999	Wahl	725	91	
	5,953,073	A	9/1999	Kozina et al.	386	1	
	5,977,964	A	11/1999	Williams et al.	386	83	
	6,018,612	A	1/2000	Thomason et al.	386	125	
	6,091,883	A	7/2000	Artigalas et al.	386	83	
	6,157,772	A	12/2000	Kim	386	83	
	6,169,842	B1	1/2001	Pijnengurg et al.	386	109	
	6,233,389	B1	5/2001	Barton			
	6,304,714	B1	10/2001	Krause et al.	386	125	
	6,324,338	B1	11/2001	Wood			

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	Internat'l Class	TRANSLATION	
							YES	NO
	EPO	EP 0 705 036	B1	13 March 2002	EPO	H04N/7/08		
	EPO	EP 0 823 815	A2	11 Feb. 1998	EPO	H04N/5/445		
	EPO	EP 0 838 951	A2	29 April 1998	EPO	H04N/7/16		
	WIPO	WO 94/13107	A1	9 June 1994	PCT	H04N/7/16		
	WIPO	WO 95/01057	A1	5 Jan. 1995	PCT	H04N/7/16		
	WIPO	WO 96/31980	A1	10 Oct. 1996	PCT	H04N/5/445		
	WIPO	WO 97/48230	A1	18 Dec. 1997	PCT	H04N/7/00		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449		ATTY DOCKET NO. MET2 . PAU . 04 . CIP	APPLICATION NO. 09/652,478
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		APPLICANT Labeeb K. ISMAIL et al.	
		FILING DATE August 31, 2000	GROUP 2623
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	Oracle Lite, The Client Database for Java; by Oracle Lite, 6/5/98, http://www.oracle.com/clientdb/olite/ .		
	Reference Material, by OpenCable, 6/5/98, http://www.opencable.com/reference/index.html .		
	API Requirements for the Advanced Set-Top Box, by OpenCable, 6/5/98, http://www.opencable.com/reference/apireq.html .		
	The Challenges of Convergence for Set-Top Box Manufacturers; IBM Microelectronics, 6/5/98, http://www.chips.ibm.com/settopbox/007066.html .		
	White Paper, Set-Top Box Solutions: Helping Customers Meet the Challenges of Convergence; IBM Microelectronics, 6/5/98, http://www.chips.ibm.com/settopbox/whitepaper.html .		
	Set-Top Box Peripheral Chip; IBM Microelectronics, 6/5/98, http://www.chips.ibm.com/settopbox/peripheral.html .		
	Set-Top Box Reference Design Kit; IBM Microelectronics, 6/5/98, http://www.chips.ibm.com/settopbox/designkit.html .		
	Set-Top Box Solutions; IBM Microelectronics, 6/5/98, http://www.chips.ibm.com/settopbox/overview.html .		
	OpenTV Operating Environment, Technical White Paper, OpenTV, Inc., 6/8/98, http://www.opentv.com/hpk.html .		
	Application Development for OpenTV, Technical White Paper, OpenTV, Inc., 6/8/98, http://www.opentv.com/sdk.html .		
	STARSIGHT: The Interactive On-screen TV Program Guide Service With One-button VCR Programming; StarSight Telecast, Inc., 6/9/98, http://www.starsight.com/brochure.html .		
	StarSight: An Introduction, StarSight Telecast, Inc., 6/9/98, http://www.starsight.com/costory.html .		
	Services for On-Screen Guides; TVData, 6/9/98, http://www.tvdata.com/tv.htm .		
	The Largest Databases of Television Information in the World, TVData, 6/9/98, http://www.tvdata.com/data.htm .		
	KAGEYAMA et al., "A Free Time-Shift DVD Video Recorder"; August 1997, IEEE pp. 463-473.		
EXAMINER		DATE CONSIDERED	
EXAMINER: Initial if citation considered whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:
MS RCE, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313 on May 18, 2006.

Sarah A. Nielsen

(Name of person mailing paper)

Sarah A. Nielsen

(Signature of person mailing paper)

R:\M-Z\MET2 - KLS - Metabyte Networks, Inc\MET2.PAU.04.CIP\IDS - PTO-1449 Form.2006-05-18.doc